

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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EUCLIDES SOTO, LOUIS A. MARTINEZ,  
JOSE RAMIREZ, CLEMENTE HERNANDEZ,  
CESAR PIZARO, ELISON PENA,  
JUAN COLON, JOSE ORTIZ, RAFAEL TORRES,  
ANGEL BAEZ, ANTONIO MARTINEZ,  
WILFREDO ORTIZ, EULOGIO ORTIZ,  
MIRRAIN MIRANDA, RAFAEL MORENO,  
NELSON ACEVEDO, and  
RAMON RODRIQUEZ,

plaintiffs,

v.

UNITED STEELWORKERS OF AMERICA,  
LOCAL 421-U, and UNITED STEELWORKERS  
OF AMERICA,

Defendants.

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Civil Action No.  
04-10892-JLT

**DEFENDANTS' MOTION TO STRIKE PLAINTIFFS' SUPPLEMENTARY  
MOTION TO ATTACH AND ACCOMPANYING SUPERCEDING MEMORANDUM  
IN SUPPORT OF THEIR MOTION TO ATTACH**

The Defendants, United Steelworkers, Local 421-U and United Steelworkers hereby move this Court to Strike Plaintiffs' Supplementary Motion to Attach Assets of the United Steelworkers of America and the corresponding Superceding Memorandum in Support of Motion to Attach Assets of the United Steelworkers of America.

As grounds for this motion to strike, the Defendants state that the Plaintiffs failed to seek leave of the Court to file what amounts to a reply to Defendants' opposition to the Plaintiffs' original motion for attachment as required by Local Rule 7.1(B)(3). While the Court did agree to revisit the motion to attach as requested during the motion hearing on March 2, 2006, the Plaintiffs did not request permission at that time to file a

supplementary response, and at no time did the Plaintiffs file a motion for leave to file this supplementary response. The Defendants therefore move that the Court strike the Plaintiffs' supplementary motion and superceding memorandum of law.

As further grounds for this motion to strike, the Defendants rely on the grounds raised in the Memorandum in Support of Union Defendants' Motion to Strike Plaintiffs' Motion to Attach, filed February 17, 2006, and the Union Defendants' Reply to Plaintiffs' Opposition to Union Defendants' Motion to Strike Plaintiffs' Motion to Attach, filed February 23, 2006. To wit, the Defendants state that:

1. the Plaintiffs have still failed to comply with the requirement that their motion to attach be supported by appropriate affidavits in that the Plaintiffs failed to attach any motions to their supplementary filings;
2. the affidavits referenced in (but not attached to) the supplementary filings fail to set forth the required facts to support attachment based on the affiant's own knowledge, information, or belief; and
3. the affidavits referenced in (but not attached to) the supplementary filings fail to provide sufficient support for a motion to attach since they are solely affidavits of counsel.

WHEREFORE, for all the reasons stated herein and set forth in the Memorandum in Support of Union Defendants' Motion to Strike Plaintiffs' Motion to Attach, filed February 17, 2006, and the Union Defendants' Reply to Plaintiffs' Opposition to Union Defendants' Motion to Strike Plaintiffs' Motion to Attach, filed February 23, 2006, the Defendants respectfully request that the Court strike Plaintiffs'

Supplementary Motion to Attach Assets of the United Steelworkers of America and  
Superceding Memorandum in Support of that motion.

Respectfully submitted,

Dated: March 22, 2006

s/Alfred Gordon  
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Alfred Gordon, BBO # 630456  
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### **CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served by electronic  
filing on the attorney of record for each party on March 22, 2006.

s/Alfred Gordon  
Alfred Gordon